

FILE	YR.	NUMBER	MO.	DAY	YEAR	N/S	O	R	23	\$	OTHER	NUMBER	DEM.	YR.	NUMBER
1085/4	76	0242	06	04	76	4	190	5	3	3	18	8509		76	0242-B

PLAINTIFFS

DEFENDANTS

UNITED STATES PIPE & FOUNDRY  
COMPANY, a corporation

UNITED STATES FIDELITY &  
GUARANTY COMPANY, a corporation

JOHN PARK DEVELOPMENT COMPANY, INC.  
B & B DEVELOPMENT COMPANY, a  
partnership; WARREN G. MORRIS;  
JOHN C. BRIGHT; and GLADYS M.  
BRIGHT

CAUSE

Action against surety for payment for materials under contractor's payment  
bond, transferred from Northern District of Alabama, Southern Division.

ATTORNEYS

Michael H. Mobbs  
Bradley, Arant, Rose & White  
1500 Brown-Marx Building  
Birmingham, AL 35203  
(205) 252-4500

Lawrence A. Johnson  
Farmer & Woolsey *Ind-Continent Bldg.*  
~~602 National Bank of Tulsa Bldg.~~  
Tulsa, Oklahoma 74103  
*585-1181*

Charles D. Stewart *6-25-76*  
~~Spain, Gillon, Riley, Tate & Etheredge~~  
~~800 John A. Hand Building~~  
~~Birmingham, AL 35203~~

David Sanders  
205 Denver Bg  
Tulsa, Ok. 74119

Philip McGowan  
David H. Sanders (B & B. Dev. Co.,  
Sanders, McElroy Warren G. Morris,  
& Carpenter John C. Bright, &  
205 Denver Bldg. Gladys M. Bright)  
Tulsa, Okla. 74119 (John Park Dev.  
582-5181 Co.)

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	07-01-76
				JS-6	1-1-77

DATE 1976	NR.	PROCEEDINGS
6-4	1.	Certified copy of Order dated 6-1-76 transferring case from Northern District of Alabama, Southern Division, filed.k
3-5	2.	Original complaint, filed.k
3-15		Return on USM service, summons & compl., filed. Served Deft. by serving Superintendent of Ins., Mary Bolden, agent, on 3-11-76 at Montgomery, AL, w/ fees of \$4.24.k
3-24	3.	Affidavit of Ins. Commissioner of Alabama, of service of compl. upon deft. by certified ml. on 3-15-76 at Baltimore, MD, filed.k
4-8	4.	Deft's mot. to dismiss, or in the alternative, mot. for change of venue to U.S.D.C. for the N.D.O. w/ affidavits of Edgar W. Adams and Charles D. Stewart, filed.k
6-17	5.	Pltf's motion to add additional parties defendant, filed.s
6-17	6.	Brief in support of motion to add additional parties defendant, filed.s
6-17	MO	It is ordered by the Court that defendant file a responsive brief within ten (10) days to the Pltf's motion to add additional parties defendant. (AEB-J) cps. mld.s
6-21	6.	Answer brief of deft. to pltf's motion to add additional parties, filed.s
6-21	7.	Stipulation of parties, filed. s 0 to J.
6-23	8.	Order, filed, granting Deft. 10 days from the date Ct. rules upon application and motion of Pltf to make Johns Park Development Co., Inc. and others parties defendant in which to file original answer.s (AEB-J) cps. mld.
6-23	9.	Order, filed, adding additional party defendants. s (AEB-J) cps. mld.
7-13	10	Amended complaint, filed. g Summons issued.
7-19	11	Answer and Cross-Complaint of deft., United States Fidelity & Guaranty Co., filed. lm
7-20	--	Return on U.S. Marshal's Service, Summons, filed. Served <u>B &amp; B Development Co.</u> in Bixby, OK, on 7-14-76 w/fees of \$3.00, by serving <u>Warren G. Morris</u> in Bixby. Served <u>Warren G. Morris</u> in Bixby on 7-14-76 w/fees of \$8.52. Served <u>John C. Bright</u> in Sperry, OK, on 7-15-76 w/fees of \$7.44, by serving <u>Gladys Bright</u> . Served <u>Gladys M. Bright</u> in Sperry, OK, on 7-15-76 w/fees of \$3.00. Served <u>John's Park Development</u> by serving <u>Frank E. Turner</u> in Tulsa, OK, on 7-14-76 w/fees of \$3.00. v (Total fees \$24.96)
9-14	12	Ans. of defts. B & B Development Co., Warren G. Morris, John C. Bright, and Gladys M. Bright, filed.s
9-14	13	Ans. and CounterClaim of Deft. John Park Development Co., Inc., filed.s
9-24	14	Ans. to Counterclaim of Johns Park Development Co., Inc., filed. g
10-5	15	Answer of B & B Development Co., Warren G. Morris, John C. Bright and Gladys M. Bright, defendants, to Cross-Complaint of United States Fidelity & Guaranty Co., filed.s
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml
12-10	16.	Applic. to dismiss action with prejudice, filed. hm
12-10	17.	Order of dismissal with prejudice, filed and entered. (AEB-J)hm (copies mailed)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. _____
United States Pipe & Foundry		United States Fidelity & Guaranty Co., a corporation		PAGE _____ OF _____ PAGES
DATE	NR.	PROCEEDINGS		
<u>1976</u>				
12-20	18.	Appli. to vacate order of dismissal, filed.lm		
12-20	19.	Brief in support of appli. to vacate dismissal, filed.lm		
12-20	MO	Ordered by the Court that deft. is granted ten days from this date to file a response to pltf's appli. to vacate order of dismissal. (AEB-J)lm ltrs mld		
12-28	20.	Defts. answer brief to pltf's application to vacate order of dismissal, filed.s		
<u>1977</u>				
1-3	21.	Reply to deft's answer brief, filed. lm		
1-5	22.	Affidavit in behalf of defts. (of David H. Sanders), filed. hm		
1-6	23.	Affidavit in behalf of defts. (of Warren G. Morris), filed.s		
1-12	24.	Affidavit in behalf of pltfs. (of Ted Gibson, Richard E. Wright III, and Lawrence A. Johnson), filed. lm		
1-27	25.	Affidavit in behalf of pltfs. (of W. L. Green), filed. lm		
3-31	MO	Case set for hrg. on pltf's application to vacate order of dismissal and defts' response thereto on 5-3-77 at 10:00 a.m. (AEB-J)k ntc by		
5-3		Case called for hearing on Pltf's application to vacate order of dismissal & defts' response thereto. Mr. Johnson & Mr. Sanders present. Ct. overrules Pltf's applic. Deft. requests order read dismissal without prejudice. Pltf. objects. Ct. directs Pltf. to file written statment w/in 10 days on dismissal with & w/out prejudice & Deft. to file response 5 days thereafter. Pltf. presents document to be made part of record(Marked Ex.1). Ct. directs Sanders to prepare final order when matter is resolved.(AEB-J)b		
5-6	26.	Pltf's motion for new trial, filed.k		
5-6	27.	Pltf's brief in support of mot. for new trial, filed.k		
5-6	28.	Pltf's mot. to enforce settlement agreement or vacate the same and order dismissal without prejudice, filed.k		
5-6	29.	Pltf's brief in support of mot. to enforce settlement agreement or in the alternative void the settlement and declare the dismissal was without prejudice, filed.k		
5-6	30.	Pltf's tender of \$12,00.00 part payment of settlement back to defts., and <u>DEMAND FOR JURY TRIAL</u> , filed.k		
5-16	31	Answer brief of Defts. fld. ho		
6-3	32.	Letter from deft. counsel, filed, as further response to pltf's mots.k		
8-29	33.	Order, filed, referring case to Mag. Robert S. Rizley for a full evidentiary hrg. on pending mots. and for findings & recommendations to the Court. (AEB-J)k cps mld		
9-12	MO:	Case set for hearing on pending motions before Mag. R. Rizley, on 9-22-77, at 2:30 P.M. (RSR-Mag) b nts mld		
9-14	MO	Hrg. on pltf's mot. for new trial and mot. to enforce settlement agreement or in the alternative void the settlement & declare the dismissal was without prejudice set for hrg. before the Mag. on 9-22-77 at 2:30 p.m. is stricken and reset on 11-8-77 at 9:30 a.m. (RSR-Mag)k ntc by KT		
10-21	34	Pltf. not. to take depo. of W.L. Green & George Quinnelly on 10-25-77 in Birmingham, Alabama. fld. ho		
10-25	35	Defts. mot. for protective order on discovery & brief in supp. fld. ho		
10-25	MO	Defts' mot. for protective order referred to Mag. Rizley for hrg. (AEB-J)k		

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
United States Pipe & Foundry		United States Fidelity & Guaranty	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
10-25	Min	Case called for hrg. on defts' motion for protective order on discovery before the Mag. Parties represented. Mag. recommends that defts' mot. be sustained. Deft. counsel directed to prepare Order of the U. S. Mag. w/in 5 days. (RSR-Mag)k	
10-27	MO:	Case set for hearing before Mag. on Pltf's motion for new trial & motion to enforce settlement agreement or vacate the same & order dismissal w/out prejudice, on 11-8-77, at 9:30 A.M. (RSR-Mag) b nts by KT	
11-3		Depo. of William L. Green taken on behalf of Pltf. on 10-27-77 in Birmingham, Ala. before Gary N. Morgan. fld. ho	
11-3		Depo. of George Quinnelly taken on behalf of Pltf. on 10-27-77 in Birmingham, Ala. before Gary N. Morgan. fld. ho	
11-7	36	Order, fld. IT IS ORDERED that Defts. mot. for protective order on discovery is sustained, provided, however, that said depositions shall be taken in Birmingham, Alabama on 11-1-77 at 2:00 p.m. (RSR-Mag) cps mld. ho	
11-8	Min.	Case called for hrg. before Mag. on pltf's mot. for new trial and mot. to enforce settlement agreement or vacate same and order of dismissal without prejudice. Parties represented. Witness Warren G. Morris sworn and testified. Parties given 15 days to file simultaneous briefs following which findings & recommendations will be filed. (RSR-Mag)k	
11-15	37.	Letter from pltf. counsel to Mag., filed as additional brief in support of pltf's position.k	
11-23	38	Defts. requested recommendations of fact & law to Mag. w/brief. fld. ho	
1978			
3-29	MO	Mag. recommends that pltf's mot. for new trial be overruled, mot. to set aside Order of dismissal w/ prejudice filed 12-10-76 be overruled as to deft. USF&G and sustained as to defts. John Park Development, B&B Development Co., Warren G. Morris, John C. Bright & Gladys Bright, and pltf's mot. to enforce settlement agreement of \$15,000 as to defts. John Park, B&B, Morris, John Bright & Gladys Bright be sustained. Pltf. counsel to prepare F/F and C/L and recommendations w/in 10 days. (RSR-Mag)k cps by KT	
5-12	39	Findings & Recommendations of the Mag., filed. Mag. recommends that pltf's mot. for new trial be overruled, pltf's mot. to set aside the order of dismissal w/ prejudice filed 12-10-76 be overruled as to deft. USF&G and sustained as to defts. John Park Development Co., B&B Development Co., Morris, and the Brights, and pltf's mot. to enforce settlement agreement be overruled as to deft. USF&G and sustained as to other defts. (RSR-Mag)k cps mld	
5-19	40	Objections of defts. John Park Development, B&B Development, Morris, and the Brights to F&R of the Mag., filed, with brief in support.k	
5-22	MO	Pltf. is ordered to file a response w/in 10 days to objections of defts. John Park Development, B&B Development, Morris & the Brights to F&R of the Mag. (AEB-J)k cps mld	
6-5	41	Pltfs. response to Defts. obj. to F/R of Mag. fld. ho	
8-3	42	Order, fld. that Pltfs. mot. for new trial fld. 5-6-77 & Pltf. mot. to enforce settlement agreement or vacate same, & order of dismissal w/out prejudice fld. 5-6-77 are overruled. It is further ordered that the objections fld. are sustained. (AEB-J)ho c/m	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-242</u>
United States Pipe & Foundry Company		U.S.F.&G. Co., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1980</u> <u>8-6</u>	--	EXHIBITS returned to pltf. counsel. hm	

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	